

Trust"), Glen L. Crouther, a single person, conveyed a security interest in the Property to Millsap, Singer & Dunn, P.C., as Trustee for Plaintiff Mortgage Electronic Registration Systems, Inc. (hereinafter sometimes referred to as "MERS"), acting solely as nominee for BNC Mortgage, Inc., to secure indebtedness in the original principal amount of \$93,595.00 and other indebtedness described therein. A certified copy of said Deed of Trust is attached hereto, marked "Defendant's Motion for Summary Judgment Exhibit B", and incorporated herein, as if fully set forth.

Response: Admitted.

3. A Notice of Federal Tax Lien dated March 23, 2005 was recorded on March 29, 2005 as Tax Lien No. 23273 in the Jefferson County Records, the Internal Revenue Service gave notice of a tax lien against Glen L. Crouther in the amount of \$25,205.74 and other charges specified therein, if any. A certified copy of said Notice of Federal Tax Lien is attached hereto, marked "Defendant's Motion for Summary Judgment Exhibit C", and incorporated herein, as if fully set forth.

Response: Admitted.

4. By Collector's Deed dated on or about September 19, 2006 and recorded on September 19, 2006 as Document No. 2006R-046167 of the Jefferson County Records (hereinafter sometimes referred to as the "Collector's Deed"), Beth Mahn, in her capacity as Collector of Revenue of Jefferson County, Missouri, conveyed the Property to Defendant Robert Bellistri. A certified copy of said Notice of Federal Tax Lien is attached hereto, marked "Defendant's Motion for Summary Judgment Exhibit D", and incorporated herein, as if fully set forth.

Response: Admitted.

5. By Assignment of Deed of Trust dated April 4, 2007 and recorded April 23, 2007 as Document No. 2007R-018586 of the Jefferson County Records (hereinafter sometimes referred to as the "Assignment of Deed of Trust"), Plaintiff Mortgage Electronic Registration Systems, Inc., its

successors and assigns, as nominee for BNC Mortgage, Inc., its successors and assigns, assigned the Deed of Trust together with all notes and obligations therein described and all sums of money due and to become due thereon, with interest thereon and attorney's fees and all other charges to Ocwen Loan Servicing, LLC, as Servicer for Deutsche Bank National Trust Company, as Trustee for the Registered Holders of the CDC Mortgage Capital Trust 2002-HE1, Mortgage Pass-through Certificates, Series 2002-HE1. A certified copy of said Assignment of Deed of Trust is attached hereto, marked "Defendant's Motion for Summary Judgment Exhibit E", and incorporated herein, as if fully set forth.

Response: Plaintiff admits that by Assignment of Deed of Trust dated April 4, 2007 and recorded April 23, 2007 as Document No. 2007R-018586 of the Jefferson County Records, Plaintiff, as nominee for the then current note-holder, assigned the Deed of Trust and all of Plaintiff's interest therein to Ocwen Loan Servicing, LLC, as Servicer for Deutsche Bank National Trust Company, as Trustee for the Registered Holders of the CDC Mortgage Capital Trust 2002-HE1, Mortgage Pass-through Certificates, Series 2002-HE1. Plaintiff denies the remainder of the allegations of Paragraph 6.

6. On April 4, 2008, the Honorable Mark T. Stoll, Circuit Judge of the Twenty-third Judicial Circuit Court of Missouri, at Hillsboro, Jefferson County, Missouri, entered the Judgment, Order and Decree Granting Plaintiff's First Amended Motion for Summary Judgment and Denying the Motion for Summary Judgment of Defendant Ocwen Loan Servicing LLC, as Agent and Servicer for Deutsche Bank National Trust Company, as Trustee for the registered holders of the CDC Mortgage Capital Trust 2002-HE1 (hereinafter sometimes referred to as the "Judgment") in the case styled, *Robert Bellistri v. Glen L. Crouther, et al.*, Case No. 06JE-CC00893. An authenticated copy of said Judgment is attached hereto, marked Defendant's Motion for Summary

Judgment Exhibit F”, and incorporated herein, as if fully set forth. A certified copy of the entire court file in said case, including the Judgment, is attached hereto, marked “Defendant’s Motion for Summary Judgment Exhibit G”, and incorporated herein, as if fully set forth.

Response: Admitted.

7. Said Judgment was affirmed on appeal. *See Bellistri v. Ocwen Loan Servicing, LLC*, 284 S.W.3d 619 (Mo.App., 2009). See a copy of said appellate opinion included as part of Defendant’s Motion for Summary Judgment Exhibit G.

Response: Admitted.

Supplemental Statement of Facts

Plaintiffs respectfully refer the Court to ¶¶ 1 through 80 of the statement of material facts submitted in support of their motion for summary judgment filed March 10, 2010, and all exhibits thereto, which are hereby incorporated by reference. In the interest of judicial economy, plaintiffs will not repeat those facts here.

Respectfully Submitted,

HUSCH BLACKWELL SANDERS LLP

By: s/ JoAnn T. Sandifer
Mark G. Arnold, E.D.Mo. # 2534
mark.arnold@huschblackwell.com
JoAnn T. Sandifer, E.D.Mo. # 33227
joann.sandifer@huschblackwell.com
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
(314) 480-1500 – telephone
(314) 480-1505 – facsimile

*Attorneys for Plaintiffs Mortgage Electronic
Registration Systems, Inc. and MERSCORP, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2010, the foregoing was filed electronically with the Clerk of Court to be served by operation of the court's electronic filing system upon the following:

Phillip K. Gebhardt, Esq.
Gebhardt Real Estate and Legal Services, L.L.C.
1720 North Main Street
Desoto, MO 63030

s/ JoAnn T. Sandifer

JoAnn T. Sandifer